

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ravi L. Sahita, et al.                      Art Unit : 2155  
Serial No. : 09/823,185                                  Examiner : Liang-Che Wang  
Filed : March 29, 2001                                  Conf. No. : 9173  
Title : NETWORK NODE CONFIGURATION

**Mail Stop Appeal Brief - Patents**

Commissioner for Patents  
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REPLY BRIEF

Pursuant to 37 C.F.R. § 41.41, Applicant responds to the Examiner's Answer mailed July 17, 2007 as follows.

**A. *Ramberg* Fails to Teach Translation of Protocols**

Contrary to the Examiner's assertions at page 11, para.1, of the Answer, *Ramberg* fails to teach translating from one protocol to another. According to *Ramberg*,

"[t]he SNMP master agent 220 communicates with the remote service technician using SNMP.... Using SNMP, agents, such as the SNMP master agent 220, monitor the activity in various devices on the network...." (col. 7 lines 18-23).

Thus, *Ramberg* uses SNMP as the protocol to monitor bar code scanner activity. When the *Ramberg* SNMP agents communicate with a bar code scanner, the "SNMP sub-agent translates SNMP-formatted information sent from the SNMP master agent to an appropriate ADC element in a format suitable for reception by the ADC element." (col. 4 lines 38-41). This amounts to a mere adjustment of data format, not a translation across data communication protocols. As the Examiner has already acknowledged, translation between data formats is different from translation across data communication protocols. (See Office Action mailed on 9/26/2006, page 2; see also Request for Continued Examination, mailed on 2/15/2006, page 10).

Further, *Ramberg's* database fails to provide an SNMP sub-agent with any information that is used to translate between protocols. Instead, *Ramberg's*

"Management Information Base ("MIB") describes or provides management information for SNMP devices.... The MIB essentially tells SNMP what pieces of information it can modify or view on the ADC device platform." (col. 7 lines 26-34).

The act of simply telling an SNMP agent what pieces of information it can modify or view is different from the act of translating from one data communication protocol to another. Therefore, although *Ramberg* states that “SNMP sub-agents 211 and 212 translate between the communication protocols of ADC devices,” (col. 7 lines 55-56), what *Ramberg* means is that the SNMP agents access the MIB to determine what pieces of information it can modify or view on the ADC Device (bar code scanner). This is not a *translation* between two protocols.

### **B. Champlin Fails to Teach a Shim Layer to Translate Protocols**

The shim layer in the claims performs a translation *between protocols*. For example, in claim 2, “a second process in communication with [a] first process through a first protocol” receives “communication transmitted across a network using a second protocol” and has “access to ... metadata in [a] database for translation between said first and second protocols.” The second process comprises a “network shim layer providing an interface between said first process and said network.”

*Champlin* fails to teach a shim layer that performs these functions. As the Examiner noted, the system of *Champlin* transforms data from one data format to another data format. However, as the Examiner has previously acknowledged, transforming data from one format to another is not the same as translating between two data communication *protocols*. (See Office Action mailed on 9/26/2006, page 2; *see also* Request for Continued Examination, mailed on 2/15/2006, page 10). Nothing in *Champlin* teaches or suggests a network shim layer that translates between first and second *protocols*.

### **C. The Examiner Fails to Identify a Reason to Combine the Three References**

Finally, as the applicant has already discussed extensively in the Appeal Brief, the Examiner has given no reason why one of ordinary skill in the art would be motivated to further complicate *Champlin*'s system, in which all devices already communicate with each other using SNMP protocol, by introducing *Ramberg*'s bar code scanning devices. An obviousness rejection requires that the Examiner identify some plausible reason for why a person of ordinary skill in the art would have combined the teachings of multiple references to form the claimed invention.

*See Takeda Chemical Industries, Ltd. v. Alphapharm Pty., Ltd.*, 429 F.3d 1350, 1356-57 (Fed. Cir. 2007)(quoting *KSR Intern. Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1731 (2007)).

In this case, the Examiner advances no reason why one of ordinary skill in the art would have been prompted to introduce *Ramberg's* bar code scanners into *Champlin's* system, which would only introduce considerable additional complexity in the process. Further, the Examiner has given no reason why one of ordinary skill in the art would have been motivated to incorporate COPS-PR, yet another communication protocol, into such a system.

Applicant concedes that one of ordinary skill in the art would have been aware of the existence of various protocols. But this alone is hardly a reason to introduce additional protocols into *Champlin's* system.

For these reasons, and the reasons stated in the Appeal Brief, Applicant submits that the final rejection should be reversed.

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Respectfully submitted,

Date: September 17, 2007

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